

TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

A-743cip/Tank-157cip

In re Application of: James M. Janky et al.

Application No.: 10/713,596

Filed: November 13, 2003

For: METHOD AND A SYSTEM FOR NAVIGATING AROUND REAL SITE BY CREATING AND ACCESSING DATABASE OF POSITIONAL REALITY IMAGES OF REAL SITE

The owner*, Trimble Navigation Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,677,938 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

Feb. 22, 2007

Date

BORIS G. TANKHILEVICH

Typed or printed name

(925) 930-0966

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Attorney's Docket No.: A-743cip/ Tank-157cip

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M Janky; Kurtis L Maynard

U. S. Serial No: 10/713,596

Filed: November 13, 2003

Examiner: Marc, McDieunel

Group Art Unit: 3661

Title: "METHOD AND A SYSTEM FOR NAVIGATING AROUND REAL SITE BY
CREATING AND ACCESSING DATABASE OF POSITIONAL REALITY IMAGES
OF REAL SITE."

Commissioner for Patents


P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER FEE

The applicant submits herewith a check for \$130.00 to cover the cost of filing the terminal disclaimer to obviate a double patenting rejection under a prior patent.

Date: February 22, 2007


Boris Tankhilevich,
Reg. No. 38,689